

## REMARKS

Claims 1-6 are pending in the present application and remain unamended. Applicants respectfully request reconsideration of the pending claims in view of the following remarks.

In the Office Action mailed January 2, 2004, the Examiner rejected claims 1-6 under 35 U.S.C. §102(b) as being anticipated by Henriksson (U.S. 5,128,965). Applicants respectfully traverse this rejection.

In the rejection, the Examiner alleges that Henriksson discloses a method for controlling transmission energy associated with generating and processing a signal indicative of a characteristic of a propagation path between a communication station and a second communication station. The Examiner further contends that Henriksson discloses transmitting the signal indicative of the characteristic to the communication station along with power adjustment requests from the second communication station, receiving the signal and power adjustment requests at the communication station, setting a transmission power level at the communication station in accordance with the received signal for a predetermined time period, and modifying the adjusted transmission power level in accordance with a step size. Applicants, however, respectfully disagree with the Examiner's interpretation of the Henriksson reference.

Applicants respectfully submit that the "closed loop power control commands" sent by the second communication station of claims 1-6 of the present invention are not the same as the multiplexed control signal that is sent in the system of Henriksson. The control signal sent by Henriksson is a multiplexed signal that includes information as to the presence of a multi-path condition, signal strength, and frame errors ( $S_{mp}$ ,  $S_{min}$ , and  $S_{err}$ , respectively) that are then used by the transmission power adjustment block to decide adjustments to the transmission energy. The multiplexed signal of Henriksson is a signal carrying the path characteristics. The communication station that receives this multiplexed signal then sets the power adjustment based upon the path characteristics. In accordance with the present invention, however, both the path characteristics and the closed loop power control commands (or power adjustment requests) are used. The closed loop power control commands of the present invention are for direct and explicit "up" or "down" power adjustments of the communication station.

Claim 1 of the present invention at least partially recites “receiving closed loop power control commands at said communication station” and “subsequently modifying said adjusted transmission energy of said communications station in accordance with said closed loop power control commands.” Claim 2 at least partially recites “a receiver configured to receive a characteristic of a propagation path between said communication device and a second communication station and to receive closed loop power control commands from the second communication station” and “a processor configured to adjust the transmission energy of said communication station in accordance with a step size corresponding to said characteristic and to modify the adjusted transmission energy in accordance with said closed loop power control commands.” Claim 3 at least partially recites “transmitting the signal indicative of the characteristic to the communication station along with power adjustment requests from the second communication station,” “receiving the signal and the power adjustment requests at the communication station,” “setting a transmission power level at the communication station in accordance with the received signal for a predetermined time period,” and “modifying the adjusted transmission power level in accordance with the power adjustment requests.” Claim 4 at least partially recites “means for transmitting the signal indicative of the characteristic to the communication station along with power adjustment requests from the second communication station,” “means for receiving the signal and the power adjustment requests at the communications station,” and “means for setting a transmission power level at the communications station in accordance with the received signal for a predetermined time period and then modifying the adjusted transmission power level in accordance with the power adjustment requests.” Claim 5 at least partially recites “determining a characteristic of a propagation path between said communication station and a second communication station,” “adjusting said transmission energy of said communication station in accordance with a power control step size corresponding to said characteristic of the propagation path,” “receiving closed loop power control commands at said communication station,” and “subsequently modifying said adjusted transmission energy of said communication station in accordance with said closed loop power control commands,” Claim 6 at least partially recites “a receiver configured to receive closed loop power control commands from a second communication station” and “a processor configured to distinguish a characteristic of a propagation path based upon an arrival pattern of

received closed loop power control commands, to adjust the transmission energy of said communication station in accordance with a step size corresponding to said characteristic, and to subsequently modify the adjusted transmission energy in accordance with newly arrived closed loop power control commands.”

As mentioned, the control signal sent by Henriksson is a multiplexed signal that includes information indicative of a multi-path condition, signal strength, and frame errors ( $S_{mp}$ ,  $S_{min}$ , and  $S_{err}$ , respectively) that are then used by the transmission power adjustment block (4) (Fig. 1 of Henriksson) to decide adjustments to the transmission energy (note Henriksson col. 3, lines 56-68). The multiplexed signal of Henriksson is a signal carrying the path characteristics. The communication station (i.e., transmitter unit 1) that receives this multiplexed signal then sets the power adjustment based upon the path characteristics at transmission power adjustment block (4). In accordance with the present invention, however, both the path characteristics and the closed loop power control commands (or power adjustment requests) are used. The closed loop power control commands of the present invention are for direct and explicit “up” or “down” power adjustments of the communication station. Applicants respectfully submit that Henriksson’s multiplexed signal containing information of a multipath condition, signal strength, and frame errors do not themselves provide explicit “up” or “down” power adjustments of the transmitter unit (1). Accordingly, because Henriksson does not disclose closed loop power control commands of this nature, Applicants respectfully submit that Henriksson cannot possibly anticipate claims 1-6 of the present invention. Therefore, Applicants submit that claims 1-6 of the present invention are allowable thereover.

## REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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